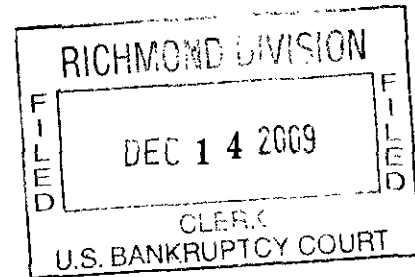


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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC. and CIRCUIT)	
CITY STORES WEST COAST, INC., et al.,)	Case No. 08-35653 and
)	08-35654
Debtors.)	Jointly Administered
)	

MOTION FOR LEAVE OF COURT TO ATTEND HEARING BY TELEPHONE

ROBERT GENTRY, on behalf of himself and all others similarly situated, and JACK HERNANDEZ, on behalf of himself and all others similarly situated ("Creditors"), by and through their undersigned counsel, hereby request that the Court permit Creditors' counsel to appear telephonically at the December 21, 2009 Status Conference at 10:00 a.m. on Debtor's Sixtieth Omnibus Objections to Claims. In support of this Motion, Creditors state as follows:

1. On August 29, 2002, Creditor Gentry filed his lawsuit on behalf of himself and all other customer service managers employed by Debtors seeking overtime compensation, compensation for missed meal and rest breaks, waiting time penalties and attorneys' fees under California law. The class action-styled case, which is entitled *Gentry v. Circuit City, Inc.*, is filed in the Los Angeles Superior Court, Case No. BC 280631. Creditor Gentry seeks to represent all California-based salaried customer service managers who were employed by Debtors and who

were not paid overtime compensation, or provided meal and rest breaks. Considerable state trial court litigation occurred prior to the bankruptcy filing.

2. On April 17, 2008, Creditor Hernandez filed his lawsuit on behalf of himself and all other sales managers employed by Debtors seeking overtime compensation, compensation for missed meal and rest breaks, waiting time penalties and attorneys' fees under California law. The class action-styled case, which is entitled *Hernandez v. Circuit City, Inc.*, is filed in the San Diego Superior Court, Case No. 37-2008-00082173. Creditor Hernandez filed this case as a class action to represent all California-based salaried sales managers who were employed by Debtors and who were not paid overtime compensation, or provided meal and rest breaks.

3. On January 13, 2009, Creditors Gentry and Hernandez, through their counsel, timely filed proofs of claim with claims administrator Kurtzman Carson Consultants. The claim at issue in the Debtor's Sixtieth Omnibus Objection filed by Creditor Gentry is identified as claim number 6039. The claim at issue in the Debtor's Sixtieth Omnibus Objection filed by Creditor Hernandez is identified as claim number 6045.

4. The Creditors submitted a timely response in opposition to Debtors' Sixtieth Omnibus Objection to Claims [Docket No. 5879]. Pursuant to Debtor's Sixtieth Omnibus Objection to Claims [Docket No. 5879], Creditors' claims are among those to be addressed at the Status Conference scheduled for December 21, 2009.

5. On November 13, 2008, the Court entered an Order Pursuant to Bankruptcy Code Section 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures (the "Order"). Page 5 of Exhibit A to the Order states:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

6. Creditors' counsel is located in California State. In order to avoid the time and expense of traveling to Virginia for the Status Conference, Creditors' counsel respectfully requests that the Court permit Creditors' counsel to appear by telephone at the December 21, 2009 status conference, rather than make a personal appearance.

WHEREFORE, Creditors Robert Gentry, on behalf of himself and all others similarly situated and Creditors Jack Hernandez, on behalf of himself and all others similarly situated, ("Creditors") respectfully request that this Court grant this request and enter an order substantially in the form attached hereto permitting Matthew Righetti to appear and be heard by telephone at the hearing on December 21, 2009 on behalf of the Creditors and grant such other relief as necessary and appropriate.

Respectfully submitted,

RIGHETTI LAW FIRM, P.C.

Dated: December 4, 2009

/s/ Matthew Righetti

Matthew Righetti

Counsel to Robert Gentry, on Behalf of
Himself and All Others Similarly Situated,
and Jack Hernandez, on Behalf of Himself
and All Others Similarly Situated.

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ENCLOSURE FOR YOUR INFORMATION

December 8, 2009

To: Clerk of the Court

Re: *Circuit City Stores, Inc. 08-35653*
Circuit City Stores West Coast, Inc. 08-35654

Please find enclosed the original to be filed with the Court plus one copy to stamp and send back to us, of the following:

- Motion for Leave of Court to Attend Hearing By Telephone
- Order Granting Motion for Leave of Court to Attend Hearing By Telephone
- Certificate of Service

Please feel free to give me a call if you have any questions.

Thank you,

Brittany Gery
RIGHETTI LAW FIRM, P.C.

415-983-0900